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June 7, 2006

VIA FACSIMILE AND E-MAIL

W. Eason Mitchell, Esq.
The Colom Law Firm, LLC
200 Sixth Street North
Suite 102
Columbus, MS 39701

Re: Expedited Depositions in Lockhart, Alabama Litigation

Dear Eason:

Based on our prior telephone discussions, Defendants propose the following basic procedures for completing your requested "List" of expedited depositions. This proposal is being made subject to your representation that each witness (other than Mr. Dukes) is suffering from declining memory and/or health conditions that may preclude the parties from obtaining testimony at a later time. It is also made subject to the understanding that you are not certain how long a given witness may be able to sit for deposition on a given day. Moreover, Defendants agree to these expedited depositions subject to your representation that we may conduct further depositions and discovery as to each deponent as needed at a later time, health permitting.

1. Releases. Pursuant to the Court's Order, Defendants are to receive the signed releases from the Listed deponents by June 7 with all the required information and permission to contact the appropriate medical providers. Also, all employment-related documents will be produced to Defendants. As we previously discussed, we request that the deponents also sign releases for employment and social security information.

2. Plaintiff Depositions. Within 30 days from June 7 (*i.e.* by July 10), the parties will begin depositions of the "Plaintiffs" on the List. The parties will endeavor to complete these Plaintiff depositions by August 11. The parties will attempt to "group" as many of these Plaintiff depositions together as possible, to avoid repetitive travel.

Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
704-444-1000
Fax: 704-444-1111

90 Park Avenue
New York, NY 10016
212-210-9400
Fax: 212-210-9444

3201 Beechleaf Court, Suite 600
Raleigh, NC 27604-1062
919-862-2200
Fax: 919-862-2260

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950 F Street, NW
Washington, DC 20004-1404
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This process will include an abbreviated "discovery" deposition of each Plaintiff, in lieu of written discovery, to enable the parties to complete the preservation depositions more efficiently. At this time, Plaintiff discovery depositions will be limited to no more than 1/2 day each (subject to our mutual understanding that Defendants may conduct further discovery depositions of these Plaintiffs later in the litigation, depending on each individual's health). Each preservation deposition will be limited to a single day. You have indicated that your direct examination of each Plaintiff will be concluded in two hours or less during the preservation depositions.

We propose the following tentative schedule for these Plaintiff depositions:

| Deponent | Discovery Deposition Date | Preservation Deposition Date |
|----------------------|--------------------------------------|---|
| Gail Tatum | July 10, 2006 9:00 a.m. | July 11, 2006 9:00 a.m. |
| Kandy Creech | July 18, 2006 9:00 a.m. | July 19, 2006 9:00 a.m. |
| Dorothy DeVaughn | July 20, 2006 9:00 a.m. | July 21, 2006 9:00 a.m. |
| Sherri Davis | July 24, 2006 9:00 a.m. | July 24, 2006 9:000 |
| Sandra Cobb | July 26, 2006 9:00 a.m. | July 27, 2006 9:00 a.m. |
| Deborah Ann Reynolds | August 1, 2006 9:00 a.m. | August 2, 2006 9:00 a.m. |

3. **"Non-Plaintiff" Witness Depositions.** Following the Plaintiff depositions, the parties will begin "non-plaintiff" witness depositions the week of August 14 and complete them by September 22. Again, as to each deponent, this process will include a discovery deposition followed by a preservation deposition.

Absent unanticipated circumstances, we propose to take a one-half day discovery deposition for Mr. Dukes and no more than 7 hour discovery depositions for John Roberts and Jacky Partridge. We expect the preservation depositions of Mr. Dukes, Mr.

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Roberts, and Mr. Partridge to be completed within one day each. Again, you have indicated that your direct examination of each of these witnesses can be completed in two hours or less.

As we discussed, however, Mr. Ezell's discovery deposition may take longer than 7 or 8 hours given his almost five decades of involvement with the Facility. You understand that if Defendants are unable to complete Mr. Ezell's discovery deposition within that period of time, and (after consultation) you decline to grant additional time, our clients will likely seek appropriate relief from the Court.

You have indicated that your direct examination of Mr. Ezell during his preservation depositions will be completed in two hours or less. Again, given Mr. Ezell's lengthy tenure at the Lockhart facility, Defendants may require time beyond the end of the day to complete their portion of Mr. Ezell's preservation deposition. If you decline to grant additional time, you understand that Defendants may seek the Court's assistance.

We propose the following tentative schedule for these "non-plaintiff" witness depositions:

| Deponent | Discovery Deposition Date | Preservation Deposition Date |
|---------------------|--------------------------------------|---|
| John "Buck" Roberts | August 15, 2006 9:00 a.m. | August 17, 2006 9:00 a.m. |
| Jacky Partridge | August 22, 2006 9:00 a.m. | August 24, 2006 9:00 a.m. |
| Roy Ezell | August 28, 2006 9:00 a.m. | August 31, 2006 9:00 a.m. |
| Carlton Dukes | September 6, 2006 9:00 a.m. | |

Finally, please be advised that Defendants are willing to proceed with Plaintiff depositions, as outlined above, regardless of whether you agree to this proposed procedure for handling non-Plaintiff fact witnesses.

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4. Witness Statements and Interview Materials. As we have indicated, Defendants believe that they are entitled to any witness statements or interviews you have obtained from each deponent, as well as any videos or transcripts of same. We have requested that you provide these materials in advance of any depositions. While Defendants are willing to proceed with these depositions regardless of whether you comply with our request, our clients reserve the right to seek the Court's assistance in obtaining the materials and re-opening the depositions at a later time so that the contents of any such statements or interviews can be properly explored.

We look forward to your prompt response to this proposal so that we may confirm any mutual agreement regarding these depositions to the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Bernard Taylor" followed by a stylized flourish or initial.

Bernard Taylor, Sr.

BT:dh

cc: John Berghoff (email)
Mark TerMolen (email)
Dennis R. Bailey (email)
R. Austin Huffaker (email)
H. Thomas Wells, Jr. (email)
John A. Earnhardt (email)
Gregory A. Cade (fax and email)
Bob Palmer (fax and email)
Douglas S. Arnold (email)

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